

REMARKS

The Office Action dated July 31, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Status of the Claims

Claims 1, 7, 9-12, 14, 16, 21, 27, 29-31, 42, 46, 50 and 51 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 1-21, 27 and 29-51 are currently pending in the application and are respectfully submitted for consideration.

Rejection under 35 U.S.C. § 101

Claims 50 and 51 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Office Action stated on page 3 that “[c]laims 50 and 51 claim a ‘computer program.’ A ‘computer program’ is directed to non-statutory subject matter.” Applicant respectfully traverses the rejection.

The preambles of claims 50 and 51 recite a computer program embodied on a computer-readable medium. The claims further recite that the program controls a processor. As such, the claims do not only recite software *per se*, but rather a combination of software, storage and hardware. MPEP § 2106.01 states that “[w]hen functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be

realized.” As such, claims 50 and 51 recite statutory subject matter in accordance with the MPEP.

Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1, 3, 4, 6-14, 16-18, 20, 21, 27, 29-32, 34, 36-38, 40, 42, 43, 46, 47, 50 and 51 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chavez et al. (U.S. Patent No. 6,591,102) in view of Lamb (U.S. Patent No. 6,085,083). Applicants note that while not listed in the heading of the rejection, claim 18 was included in the body thereof. Applicants also note that while claim 33 was listed in the heading of the rejection, the claim was not discussed in the body thereof. The Office Action took the position on pages 3-23 that the combination of Chavez et al. and Lamb teach all of the features of the rejected claims. Applicant respectfully submits that Chavez et al. and Lamb, both individually and in combination, fail to teach or suggest all of the features of the above-rejected claims. Reconsideration of the claims is respectfully requested.

Independent claim 1, from which claims 2-6 depend, recites a method including using a specific record associated with a user. The specific record is stored at a server node. The specific record contains information that determines that a user characteristic is to be verified with a home network prior to providing access to the service.

Authorization and authentication for the user is verified every Mth session, where M is an integer representing the current session.

Independent claim 7, from which claims 8-20 depend, recites a method including using a user specific record associated with a user. The user specific record is stored in a server node that indicates a condition that, when satisfied, determines that a user characteristic is to be verified with a home network prior to providing access to a service. The method also includes providing access to the service responsive to the user specific record. The condition is that authorization and authentication is verified every Mth session, where M is an integer representing the current session.

Independent claim 21 recites an apparatus including receiving means for receiving a message from a user terminal and storing means for storing a user specific record associated with a user indicating a condition that, when satisfied, determines that a user characteristic is to be verified with a home network prior to providing the user with access to a service. The apparatus also includes generating means for generating, in response to the user specific record, an access message to provide the user with access to the service from a service provider node. The condition is that authorization and authentication is verified every Mth session, where M is an integer representing the current session.

Independent claim 27 recites an apparatus including record using means for using a user specific record associated with a user indicating a condition that, when satisfied, determines that a user characteristic is to be verified with a home network prior to

providing the user with access to a service, wherein the user specific record is stored in a server node. The apparatus also includes generating means for generating, in response to the user specific record, an access message for providing the user with access to the service from a service provider node. The condition is that authorization and authentication is verified every Mth session, where M is an integer representing the current session.

Independent claim 29 recites a method including storing an authorization and authentication profile, associated with a user. The authorization and authentication profile is stored at a serving node in a serving network and using the authorization and authentication profile at said serving node. The authorization and authentication profile contains information indicating a condition that, when satisfied, determines that a user characteristic is to be verified with a home network prior to providing access to the service. The condition is that authorization and authentication is verified every Mth session, where M is an integer representing the current session.

Independent claim 30, from which claims 32-41 depend, recites an apparatus including an interface configured to receive a message from a user terminal and a processor. The processor is configured to use a user specific record associated with the user to indicate a condition that, when satisfied, determines that a user characteristic is to be verified with a home network prior to providing the user with access to a service. The user specific record is stored in the server node. The processor is also configured to generate, in response to the user specific record, an access message to provide the user

with access to the service from a service provider node. The condition is that authorization and authentication is verified every Mth session, where M is an integer representing the current session.

Independent claim 31 recites an apparatus including a processor configured to use a user specific record associated with a user to indicate a condition that, when satisfied, determines that a user characteristic is to be verified with a home network prior to providing the user with access to a service. The user specific record is stored in a server node. The processor is also configured to generate, in response to the user specific record, an access message to provide the user with access to the service from a service provider node. The condition is that authorization and authentication is verified every Mth session, where M is an integer representing the current session.

Independent claim 42, from which claims 43-45 depend, recites a method including receiving a message from a user terminal and using a user specific record associated with the user indicating a condition that, when satisfied, determines that a user characteristic is to be verified with a home network prior to providing the user with access to a service. The user specific record is stored in the server node. The method also includes generating, in response to the user specific record, an access message providing the user with access to the service from a service provider node. The condition is that authorization and authentication is verified every Mth session, where M is an integer representing the current session.

Independent claim 46, from which claims 47-49 depend, recites a method including using a user specific record associated with a user indicating a condition that, when satisfied, determines that a user characteristic is to be verified with a home network prior to providing the user with access to a service. The user specific record is stored in a server node. The method also includes generating, in response to the user specific record, an access message providing the user with access to the service from a service provider node. The condition is that authorization and authentication is verified every Mth session, where M is an integer representing the current session.

Independent claim 50 recites a computer program embodied on a computer-readable medium controlling a processor to perform a process, including receiving a message from a user terminal and using a user specific record associated with a user indicating a condition that, when satisfied, determines that a user characteristic is to be verified with a home network prior to providing the user with access to a service. The user specific record is stored in a server node. The process also includes generating, in response to the user specific record, an access message providing the user with access to the service from a service provider node. The condition is that authorization and authentication is verified every Mth session, where M is an integer representing the current session.

Independent claim 51 recites a computer program embodied on a computer-readable medium controlling a processor to perform a process, including using a user specific record associated with a user indicating a condition that, when satisfied,

determines that a user characteristic is to be verified with a home network prior to providing the user with access to a service. The user specific record is stored in a server node. The method also includes generating, in response to the user specific record, an access message providing the user with access to the service from a service provider node. The condition is that authorization and authentication is verified every Mth session, where M is an integer representing the current session.

As will be discussed below, Chavez et al. and Lamb, both individually and in combination, fail to teach or suggest all of the features of the presently pending claims.

Chavez et al. generally discusses “a system for transmitting service and authentication information in a manner that [allegedly] reduces transmissions over the system” (column 1, lines 8-10). “The amount of data is [allegedly] reduced by only transmitting the service information for a handset to a base station when the handset registers with a base station. Authentication information is only transmitted to the base station when a request for a wireless service is requested for the wireless handset” (column 2, lines 4-7, of Chavez et al.).

Lamb generally discusses a “home location register (HLR) that provides fraud protection mediation in a wireless communication network” (column 1, lines 44 and 45). “[A] carrier may have the HLR bypass the fraud protection processing in areas that support authentication processing to provide convenience to the subscribers so that they do not have to enter their PINs to use their cellular phones” (column 3, lines 55-59, of Lamb).

Independent claim 1, as amended herein, recites, in part, that “authorization and authentication for the user is verified every Mth session, wherein M is an integer representing the current session.” Support for these features is found, for example, in Fig. 5 and on page 16, lines 5-14, of the present application. Independent claims 7, 21, 27 and 29-31, which each have their own scope, recite similar features. The Office Action conceded on page 4 that “Chavez et al. fail to specifically disclose that a specific record contains information that is used to determine that a user is to be verified with a home network.” As such, Chavez et al. further cannot teach or suggest the newly amended features pertaining to verification. Applicant respectfully submits that Lamb also fails to teach or suggest the above features recited in claim 1.

The background of Lamb discusses that:

HLR-based fraud protection feature has been implemented by automatically locking cellular phones when they are inactive. This prevents unauthorized use of a subscriber's phone and/or fraudulent access to the network by cloned phones. When a subscriber initially registers with the network, the HLR requires the subscriber to enter a feature code and personal identification number (PIN) before access is granted. The subscriber can then lock the phone again by entering the same feature code and PIN. If an unlocked phone becomes inactive for a predetermined period of time, the HLR automatically invokes the fraud protection feature until the subscriber unlocks the phone with feature code and PIN entries. This feature prevents access to the network by a cloned phone using the valid subscriber's MIN (Mobile ID Number) or ESN (Equipment Serial Number) while the valid subscriber is inactive.

(column 2, line 61, through column 3, line 6). As such, a user may lock or unlock a cell phone using a PIN code and the phone may also become locked if inactive for a certain period of time. However, Lamb does not teach or suggest that authorization and

authentication for the user is verified every Mth session. In fact, the word “session” does not appear anywhere in Lamb. It appears that Lamb is directed to bypassing fraud protection processing by an HLR (see column 3, lines 55-59), and Lamb certainly does not perform session verification every Mth session, as claimed.

Claims 3, 4, 7-14, 16-18, 20, 32, 34, 36-38, 40, 43 and 47 depend from independent claims 1, 7, 31, 42 or 46 and add further features thereto. Thus, the arguments above with respect to the independent claims also apply to the dependent claims.

Per the above, Chavez et al. and Lamb, both individually and in combination, fail to teach or suggest all of the features of the above-rejected claims under 35 U.S.C. § 103(a). Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

Claims 2, 5, 33, 39, 44 and 48 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chavez et al. in view of Lamb and further in view of Henry et al. (U.S. Patent No. 6,856,800). Claims 2, 5, 33, 39, 44 and 48 depend from claims 1, 31, 42 or 46 and add further features thereto. Nothing is cited or found in Henry et al., which generally discusses “an authentication and access control system for [allegedly] reducing the time required for a mobile user to authenticate to a new communications network” (column 1, lines 13-16), that overcomes the deficiencies of Chavez et al. and Lamb discussed above with respect to the independent claims. Thus, the arguments above with respect to the independent claims also apply to the dependent claims.

Further, Applicant respectfully submits that the Office Action has not properly established that Henry et al. has a priority date with respect to the subject matter relied upon in the rejection that **precedes** the priority date of the present application. Henry et al. was filed on May 14, 2002, which is after the December 28, 2001, priority date of the present application. Henry et al. claims priority of provisional application 60/290,776 filed May 14, 2001, but is only accorded this earlier filing date for the subject matter also discussed in the provisional application.

In order for the cited sections of Henry et al. to be valid against the present application, Applicant respectfully requests that the Office Action demonstrate that the 60/290,776 provisional supports the subject matter relied upon in the rejection (namely, support for Fig. 2, column 2, lines 18-20, and column 4, lines 5-15, of Henry et al.). In other words, the Office Action must demonstrate that 60/290,776 properly supports the subject matter in the cited sections of Henry et al., as required by 35 U.S.C. §§ 119(e) or 120 (see attached copy of Example 2 from MPEP § 706.02(f)(1)). A provisional application is not bound to discuss the same subject matter as discussed in a subsequent non-provisional patent application and as such, if the Examiner believes that 60/290,776 supports the cited subject matter in Henry et al., Applicant respectfully requests that the Examiner provide proper support.

Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chavez et al. in view of Lamb and further in view of Wright (U.S. Patent No. 6,957,061). Claim 19 depends from independent claim 7 and adds further features thereto. Nothing is cited or found in Wright, which generally discusses “a method and apparatus for authenticating mobile user equipment in a mobile telecommunications network” (column 1, lines 6-8), that overcomes the deficiencies of Chavez et al. and Lamb discussed above with respect to the independent claims. Thus, the arguments above with respect to the independent claims also apply to claim 19.

Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

Claims 15, 35, 41, 45 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chavez et al. in view of Wright and further in view of Basilier et al. (U.S. Patent No. 6,728,536). Applicant notes that Lamb appears to have erroneously been omitted from the rejection. Claims 15, 35, 41, 45 and 49 depend from independent claims 7, 31, 42 or 46 and add further features thereto. Nothing is cited or found in Basilier et al., which generally discusses “a method and system for transmitting access specific and/or application specific information from a visiting access network to a home network using public internet protocol networks” (column 1, lines 11-14), that overcomes the deficiencies of Chavez et al. and Lamb discussed above with respect to the independent claims. Thus, the arguments above with respect to the independent claims also apply to claims 15, 35, 41, 45 and 49.

Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

Conclusion

For at least the reasons presented above, it is respectfully submitted that claims 1-21, 27 and 29-51, comprising all of the currently pending claims, patentably distinguish over the cited art. Accordingly, it is respectfully requested that the claims be allowed and the application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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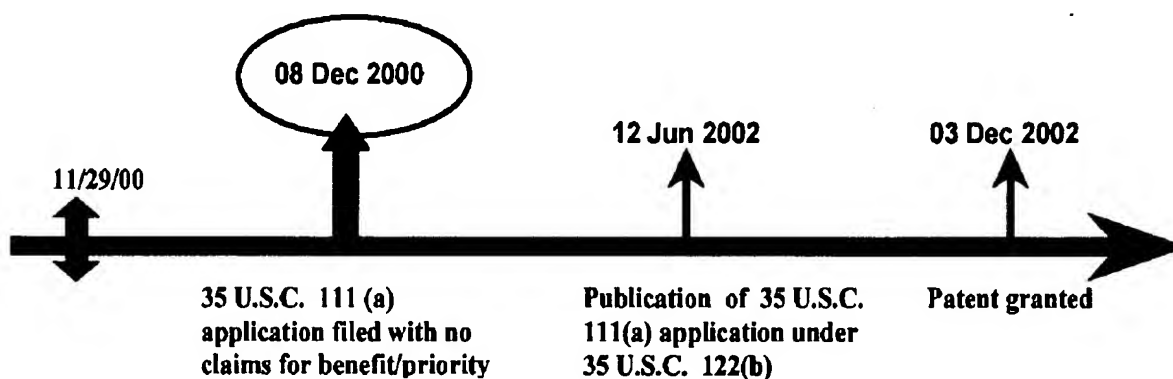
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Enclosure: Provisional Application Example 2

Example 1: Reference Publication and Patent of 35 U.S.C. 111(a) Application with no Priority/Benefit Claims.

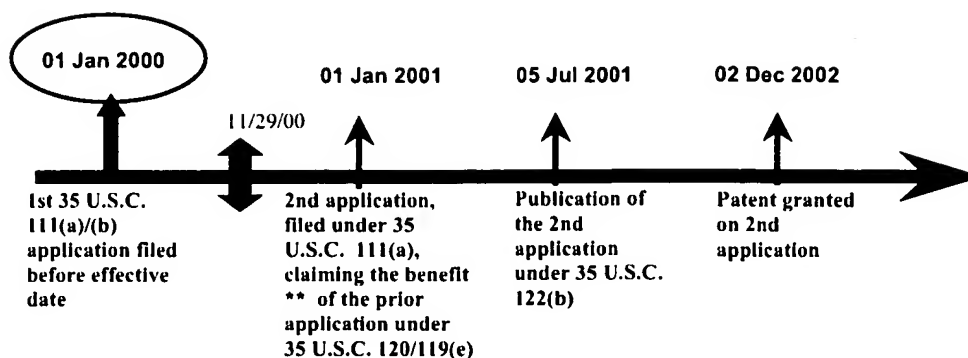
For reference publications and patents of patent applications filed under 35 U.S.C. 111(a) with no claim for the benefit of, or priority to, a prior application, the prior art dates under 35 U.S.C. 102(e) accorded to these references are the earliest effective U.S. filing dates. Thus, a publication and patent of a 35 U.S.C. 111(a) application, which does not claim any benefit under either 35 U.S.C. 119(e), 120 or 365(c), would be accorded the application's actual filing date as its prior art date under 35 U.S.C. 102(e).



The 35 U.S.C. 102(e)(1) date for the Publication is 08 Dec. 2000.
 The 35 U.S.C. 102(e)(2) date for the Patent is: 08 Dec. 2000.

Example 2: Reference Publication and Patent of 35 U.S.C. 111(a) Application with *>a< Benefit Claim to a Prior U.S. Provisional or Nonprovisional Application.

For reference publications and patents of patent applications filed under 35 U.S.C. 111(a), the prior art dates under 35 U.S.C. 102(e) accorded to these references are the earliest effective U.S. filing dates. Thus, a publication and patent of a 35 U.S.C. 111(a) application, which claims *>benefit< under 35 U.S.C. 119(e) to a prior U.S. provisional application or claims the benefit under 35 U.S.C. 120 of a prior nonprovisional application, would be accorded the earlier filing date as its prior art date under 35 U.S.C. 102(e), assuming the earlier-filed application has proper support for the subject matter as required by 35 U.S.C. 119(e) or 120.

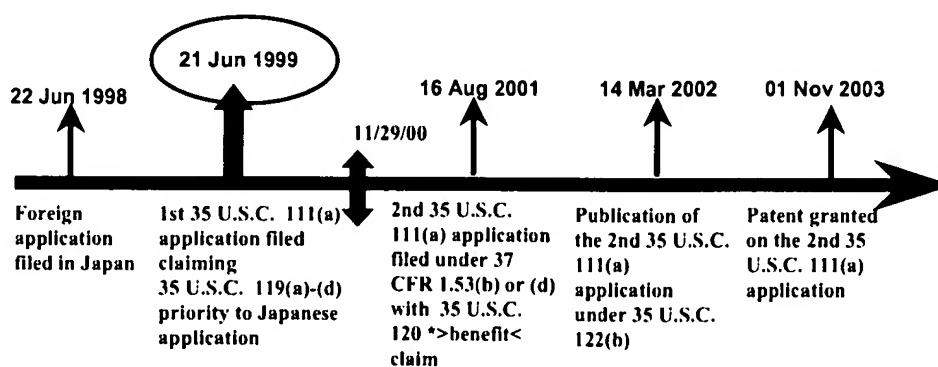


The 35 U.S.C. 102(e)(1) date for the Publication is: 01 Jan. 2000.

The 35 U.S.C. 102(e)(2) date for the Patent is: 01 Jan. 2000.

Example 3: Reference Publication and Patent of 35 U.S.C. 111(a) Application with 35 U.S.C. 119(a)-(d) *>Priority< Claim to a Prior Foreign Application.

For reference publications and patents of patent applications filed under 35 U.S.C. 111(a), the prior art dates under 35 U.S.C. 102(e) accorded to these references are the earliest effective U.S. filing dates. No benefit of the filing date of the foreign application is given under 35 U.S.C. 102(e) for prior art purposes (*In re Hilmer*, 149 USPQ 480 (CCPA 1966)). Thus, a publication and patent of a 35 U.S.C. 111(a) application, which claims *>priority< under 35 U.S.C. 119(a)-(d) to a prior foreign-filed application (or under 35 U.S.C. 365(a) to an international application), would be accorded its U.S. filing date as its prior art date under 35 U.S.C. 102(e). In the example below, it is assumed that the earlier-filed U.S. application has proper support for the subject matter of the later-filed U.S. application as required by 35 U.S.C. 120.



The 35 U.S.C. 102(e)(1) date for the Publication is: 21 June 1999.

The 35 U.S.C. 102(e)(2) date for the Patent is: 21 June 1999.